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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Patent Office Board of Appeals

APPLICANT: Dziedzic, E.
SERIAL NO: 09/348,742
FILED: July 16, 1999
FOR: Banded Mount

GAU: 3632
EXAMINER: A.J. Wjciak
St. Louis, Missouri
Date: July 25, 2005
DN: 7038

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Alexandria, Virginia 22313-1450

RESPONSE TO NOTICE FROM BOARD OF APPEALS
REGARDING PAYMENT OF APPEAL BRIEF FEE

Sir:

The Board sent an order returning the undocketed appeal to the examiner, for this application, stating that the Appeal Brief fee has not been collected.

This particular application has been up to the Appeal Board, back to the examiner, a number of times. The initial appeal, filed in the Patent Office on April 20, 2001, included an appeal filing fee in the amount of \$210.00. Then, when the brief was filed upon appeal, an Appeal Brief fee of \$210.00 was paid to the Patent Office on July 16, 2001. The Applicant resubmitted its Appeal Brief on February 14, 2002.

On June 18, 2003, the Board ruled in the Applicant's favor, and reversed the examiner's rejection of claims 2-6, and 8.

The examiner issued another office action, after the Board's decision, on August 20, 2003.

Applicant filed another Notice of Appeal on June 28, 2004, and paid a second appeal fee in the amount of \$165.00. An Appeal Brief was filed on July 27, 2004.


An Appeal Brief, for the second time, was filed on July 27, 2004.

It cannot be determined from the Rules if each time an Appeal Brief is filed in the same case, that a fee must be paid to the Patent Office. If not, since Applicant has already paid the appeal fee and a brief fee, once in this case, then no longer fees are due upon appeal. MPEP Section 1200 is silent on this point.

If so, then Applicant requests that the Patent Office debit its deposit account No. 040731, for the brief as filed for this case upon appeal.

The Board's review, and the examiner's review, of this matter, would be appreciated.

Respectfully submitted,



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PMD/sm